

401 KAR 8:510. Disinfectant residuals, disinfection by-products, and disinfection by-product precursors.

RELATES TO: KRS 224.10-100, 224.10-110, EO 2009-538

STATUTORY AUTHORITY: KRS 224.10-100(28), 224.10-110(2), 40 C.F.R. 141.53, 141.54, 141.64, 141.65, 141.130-141.135, 141.600-141.605, 141.620-141.629, 42 U.S.C. 300f-300j-26, EO 2009-538

NECESSITY, FUNCTION, AND CONFORMITY: KRS 224.10-100(28) and 224.10-110(2) require the cabinet to enforce administrative regulations promulgated by the secretary for the regulation and control of the purification of water for public and semipublic use. EO 2009-538, effective June 12, 2009, establishes the new Energy and Environment Cabinet. This administrative regulation establishes the maximum contaminant levels for total trihalomethanes and haloacetic acid five (5) to limit the levels of known and unknown disinfection by-products.

Section 1. (1) A public water system shall meet the requirements established in 40 C.F.R. 141.130 through 141.135, 141.600 through 141.605, 141.620 through 141.629, 141.53, 141.54, 141.64, and 141.65.

(2) For the purposes of meeting the requirements of 40 C.F.R. 141.130 through 141.135 a consecutive water system shall monitor in the manner established in Section 2 of this administrative regulation.

Section 2. A consecutive water system shall monitor for trihalomethanes and HAA5 as established in this section.

(1) For purposes of determining the applicability and compliance dates, the sum of the populations of the system producing the water and the system purchasing the water shall be used.

(2) Producers.

(a)1. A public water system that produces water and that provides water to another system shall be responsible for monitoring throughout the joint distribution system, which shall consist of the distribution systems of both the producing system and all purchasing systems.

2. Monitoring shall be performed pursuant to this administrative regulation at a point in the joint distribution system that reflects the longest period of retention.

(b)1. If more than one (1) system produces water sold to a distribution system, monitoring shall be divided between or among the producing systems by a plan that reflects the likely flow of each producing system's water.

2. A monitoring plan for total trihalomethanes and HAA5s shall be submitted by all producing systems and shall be approved by the cabinet pursuant to 40 C.F.R. 141.132(f).

(3) Purchasers.

(a)1. A system that purchases water shall alter distribution operation and maintenance practices necessary to alleviate any potential exceedance of the MCL for TTHM or HAA5 anywhere in its distribution system.

2. The altered practices may include line flushing and replacement, changes to points of disinfection, elimination of points of disinfection, tank turnover practices, or other changes to facilitate reductions in levels of contamination.

(b)1. A purchasing system shall cooperate in the development of a monitoring plan required from the producing system as established in subsection (2) of this section.

2. A purchasing system shall monitor for maximum residual disinfectant levels at the same points in the distribution system and at the same time as total coliforms are sampled as established in 401 KAR 8:200. (27 Ky.R. 1680; Am. 2529; 2764; eff. 4-9-2001; 1677; 3009; 3640;

eff. 6-13-2007; 35 Ky.R. 1573; eff. 4-3-2009; 2810; 36 Ky.R. 582; eff. 9-25-2009; 2101-A; 2324; eff. 6-3-2010.)